

**PROPOSED REGULATIONS TEXT:  
USE OF NICKNAMES IN LICENSED PRACTICE**

**AMEND ARTICLE 4 TO READ:**

**Article 5. Licensees Under Fictitious Names**

**2731. Use of False or Fictitious Name**

(a) A licensee shall not use a fictitious name in the conduct of any activity for which a license is required under the Real Estate Law unless the licensee is the holder of a license bearing the fictitious name.

(b) The Department shall issue a license required under the Real Estate Law only in the legal name of the licensee or in the fictitious business name of a broker who presents evidence of having complied with the provisions of Sections 17910 and 17917 of the Code.

(c) The commissioner may refuse to issue a license bearing a fictitious name to a broker if the fictitious name:

- (1) Is misleading or would constitute false advertising.
- (2) Implies a partnership or corporation when a partnership or corporation does not exist in fact.
- (3) Includes the name of a real estate salesperson.
- (4) Constitutes a violation of the provisions of Sections 17910, 17910.5, 17913 or 17917 of the Code.

(5) Is the name formerly used by a licensee whose license has since been revoked.

(d) A license may not be issued or renewed with a fictitious business name containing the term "escrow", or any name which implies that escrow services are provided, unless the fictitious business name includes the term, "a non-independent broker escrow" following the name. Licensees who have been or are issued a license with a fictitious business name with the term "escrow", or any term which implies that escrow services are provided, must include the term "a non-independent broker escrow" in any advertising, signs, or electronic promotional material.

(e) Where a licensee is a natural person, the use of a nickname in place of his or her legal given name (first name) shall not constitute a fictitious name for purposes of this section, provided that where the nickname is used, the licensee also uses as a surname (last name) his or her surname as it appears on his or her real estate license, and includes his or her Department-issued license identification number as required by Section 10140.6 of the Code.

Note: Authority cited: Section 10080, Business and Professions Code. Reference: Sections 10140.6, 10159.5 and 10177, Business and Professions Code.